

**Amendments to the Drawings:**

The attached drawing sheet(s) include(s) changes to Figure 2. This sheet, which includes Figure 2 replaces the original sheet.

## REMARKS

The drawings and Abstract have been amended to respond to the Examiner's objections. Claim 27 has been amended to address the Examiner's objection.

The Examiner rejects claims 1-10, 12-24, and 26-38 under 35 U.S.C. Section 102(e) as being anticipated by Hodson, et al. (U.S. 2005/0021529) and claims 11 and 25 under 35 U.S.C. Section 103(a) as being unpatentable over Hodson, et al., as applied to claims 1 and 13 above and further in view of McConnell, et al. (U.S. 2005/0043986).

The claims have been amended to clarify that the contacts monitored and/or tracked by the claimed invention include both real-time and non-real-time communications. Support for this amendment includes page 4, line 19, to page 5, line 4 of the Specification.

Applicant respectfully traverses the Examiner's rejections. The cited references fail to teach or suggest at least the following italicized limitations of the pending independent claims:

1. A method, comprising:
  - (a) tracking over a selected time period, *for a set of the plurality of agents servicing a plurality of discrete real-time and non-real-time contacts*, a number of discrete real-time and non-real-time contacts serviced by the set of agents *that are and/or are not related to one or more other discrete real-time and non-real-time contacts serviced by the plurality of agents*; and
  - (b) maintaining, *for the set of agents*, an indicator indicating at least one of (i) *a number of discrete real-time and non-real-time contacts, serviced by the set of agents during the selected time period, that are not related to one or more other discrete real-time and non-real-time contacts serviced by one or more of the plurality of agents* and (ii) *a number of discrete real-time and non-real-time contacts, serviced by the set of agents during the selected time period, that are related to one or more other discrete real-time and non-real-time contacts serviced by the plurality of agents*.
13. A method, comprising:
  - (a) at least one of receiving a first real-time contact from and initiating a second real-time contact with a first customer;
  - (b) *determining whether the first and/or second contact is related to another real-time or non-real-time contact with the first customer*; and
  - (c) *when the first and/or second contact is related to another real-time or non-real-time contact with the first customer, servicing the first and/or second contact differently than when the first and/or second contact is unrelated to another real-time or non-real-time contact with the first customer*.
27. A contact center for servicing contacts, comprising:
  - (a) an input operable to receive a contact from a first customer; and

*(b) a selector operable (i) to determine whether the received real-time contact is related to another real-time or non-real-time contact with the first customer and (ii) when the received real-time contact is related to at least one real-time and non-real-time contact with the first customer, to service the received real-time contact differently than when the received real-time contact is unrelated to at least one real-time and non-real-time contact with the first customer.*

Hodson, et al.

Hodson, et al., is directed to a method and apparatus for compiling performance reports in a Web-based contact center. New transactions are detected by comparing an Internet identifier of each received message with a transactions list 58, which lists each pending transaction. Each entry includes an identifier of the client and agent and a subject matter identifier (e.g., from the “Re” line of the text message). To preserve continuity, the agent selection application 50 can assign an incoming transaction to an agent currently serving another transaction from the same client. A transaction monitoring application 54 can detect the termination or completion of a transaction and add an identifier of the agent to an agent list 52. ¶¶[0027]-[0028] indicates how the termination or completion of the transaction is determined. As each transaction begins, a transaction file 46, 48 is opened to track the time and effort expended by the agent 20, 22 in addressing the concerns of the client 12, 14. Measuring the amount of effort includes determining the number of messages required to close a sale or satisfy a client with regard to a particular client concern.

Although indicating that the architecture assigns a transmission type to each transmission (e.g., synchronous, asynchronous, and pseudo-asynchronous), Hodson, et al., fail to teach not only tracking related contacts by agent but also how to determine relatedness of synchronous and asynchronous contacts. Hodson, et al., simply teach determining relatedness of asynchronous contacts only and tracking indicia of activity for both types of contacts. See ¶¶[0034]-[0036] and ¶¶[0039]-[0040]. The failure by Hodson, et al., to track the relatedness of both types of contacts provides at best only an incomplete picture of contact center performance.

Once a transmission type is determined, each continuing asynchronous message is tagged as belonging to a particular transaction. Transaction identification can be performed based on Internet addresses of client and agent, subject matter on a “Re” line of an e-mail, and a word content of an exchange. Once each asynchronous transmission is tagged as belonging to a particular transaction, a duration time can be calculated and assigned to the effort associated with

each transmission. Further, the outcome of the transaction can be added to the transaction files 46, 48. ¶[0047] teaches data analysis based on any of a number of factors. ¶[0049] teaches that the supervisor can track the duration of each transaction and correlate completion and abandonment statistics upon the effective duration of the transaction. Also, the number of noncontiguous parts can be viewed.

McConnell, et al.

McConnell, et al., fail to overcome the deficiencies of Hodson, et al.

McConnell, et al., is directed to a method and system for selecting an agent to service a contact in a contact center. The algorithm accounts for the state of the contact center and for individual agent proficiency and performance. McConnell, et al., do not teach contact tracking.

In addition to the above arguments, neither Hodson, et al., nor McConnell, et al., are prior art. As set forth in the Declarations of Henry R. Paddock and Douglas W. Swartz filed concurrently herewith, Exhibits “A” and “B” to the Paddock Declaration establish a conception date of the pending independent claims before the July 22, 2003, filing date of U.S. Patent Application Publication 2005/0021529 to Hodson, et al., and the August 20, 2003, filing date of U.S. Patent Application Publication 2005/0043986 to McConnell, et al., coupled with diligence between the conception date and the constructive reduction-to-practice date, or the filing date of the above-captioned application.

Accordingly, the pending claims are allowable.

The dependent claims provide added reasons for allowability.

By way of example, dependent claim 4 determines relatedness of contacts by assuming, when two contacts are received from the same customer during a predetermined period of time, that the two contacts are deemed to be related.

Dependent claim 7 requires that each agent in the set has a corresponding indicator indicating a number of contacts, serviced by the set of agents during a selected time period, that are (i) not related to another contact serviced by one or more of the plurality of agents or (ii) related to another contact serviced by one or more of the plurality of agents and the further steps:

- (c) receiving a contact to be serviced by one of the plurality of agents;
- (d) retrieving agent profiles for the set of agents; and

(e) assigning one of the set of agents to service the contact based, at least in part, on a comparison of the indicators corresponding to the agents in the set.

Dependent claim 8 requires the indicator to indicate a number of contacts, serviced by the set of agents during the selected time period, that are not related to another contact serviced by one or more of the plurality of agents and a single contact to be defined as each interaction between a selected agent and a selected customer such that an agent-to-agent transfer of a communication from the selected customer is considered to represent multiple contacts.

Dependent claim 9 requires the indicator to indicate a number of contacts, serviced by the set of agents during the selected time period, that are related to another contact serviced by one or more of the plurality of agents and a single contact to be defined as all interactions between all members of the set of agents and a selected customer such that an agent-to-agent transfer of a communication from the selected customer is considered to represent a single contact.

Dependent claim 14 requires in step (a) the first real-time contact to be in queue awaiting servicing and the further step:

(d) while in queue, tagging the first contact with a number of related previous real-time and/or non-real-time contacts with the first customer. *See* claim 28.

Dependent claim 15 requires the servicing step to include the sub-steps:

when the first and/or second contact is related to a previous contact with the first customer, at least one of (i) recording the first and/or second contact interaction to form a transcript of the interaction, (ii) forwarding the first and/or second contact to a first agent having a first skill, and (iii) activating quality monitoring; and

when the first and/or second contact is unrelated to a previous contact with the first customer, not performing the at least one of (i) recording the first and/or second contact interaction to form a transcript of the interaction, (ii) forwarding the first and/or second contact to a first agent having a first skill, and (iii) activating quality monitoring. *See* claim 29.

Dependent claim 16 requires the contact center to include a plurality of agents to service a plurality of contacts and the further steps:

(d) tracking, for each of the plurality of agents over a selected time period, a number of contacts serviced by the agent that are related to another contact serviced by the plurality of agents; and

(e) maintaining, for each of the plurality of agents, an indicator indicating at least one of (i) a number of contacts, serviced by the corresponding agent during the selected time period, that are not related to another contact serviced by the plurality of agents and (ii) a number of contacts, serviced by the corresponding agent during the selected time period, that are related to another contact serviced by the plurality of agents. *See* claim 30.

Dependent claim 17 requires the further steps:

(c) when the first and/or second contact of the first customer is serviced by an agent, receiving from the servicing agent a subject matter identifier indicating a purpose of the serviced contact; and

(d) when a later third contact is received from the first customer, comparing a second subject matter identifier associated with the third contact with the first subject matter identifier to determine whether the first and/or second and third contacts are related. *See* claim 31.

Newly added dependent claims 39-40 provide further reasons for allowance.

Based on the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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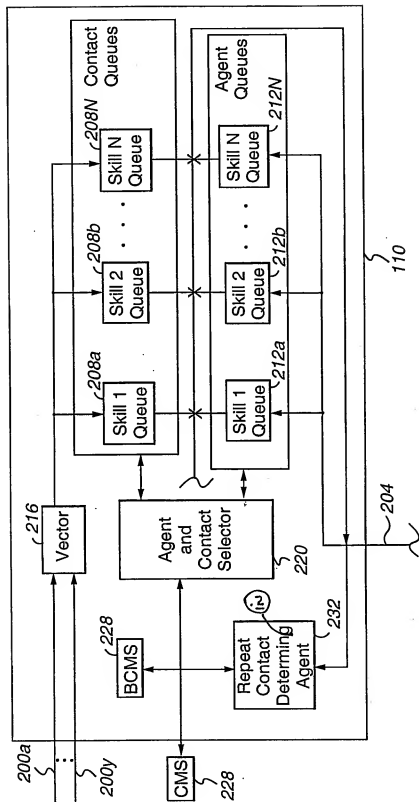


Fig. 2